



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Saturday, the 25th November, 1950

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Saturday, the 25th November, 1950

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Half Past Ten of the Clock, Mr. Chairman (Mr. Ghulam Bhik Nairang, a member of the Panel of Chairmen) in the Chair.

MAKING OF OATH OR AFFIRMATION OF ALLEGIANCE TO THE FEDERATION OF PAKISTAN

The following Member took the prescribed oath or made the affirmation of allegiance to the Federation of Pakistan :

Malik Khuda Bakhsh (N.-W. F. P. States).

REPORT OF THE SELECT COMMITTEE ON THE PAKISTAN CITIZENSHIP BILL

The Honourable Khwaja Shahabuddin (East Bengal : Muslim) : Sir, I beg to present the report* of the Select Committee on the Bill to provide for Pakistan Citizenship.

THE PAKISTAN CITIZENSHIP BILL

The Honourable Khwaja Shahabuddin (East Bengal : Muslim) : Sir, for leave to withdraw the Bill to provide for Pakistan Citizenship.

Sir, the report of the Select Committee which I have just presented explains in detail the reason why I am moving this motion for withdrawal. If I may read out a portion, they say :

(a) that the interim report of the Basic Principles Committee recommends that citizenship, naturalization and aliens should be a subject-matter of laws to be made exclusively by the Central Legislature ;

(b) that the Constituent Assembly, in adopting the report of the Committee on Fundamental Rights accepted the recommendation of the Committee contained in paragraph 2 of Part I of the Report to the effect that, subject to the recommendations contained in paragraph 1 of Part I of the said report regarding citizenship at the date of the commencement of the constitution, acquisition and loss of the citizenship, and all other matters pertaining thereto should be within the competence of the future Legislature of Pakistan ;

(c) that a Bill amending the Naturalization Act, 1926, has been introduced into the Constituent Assembly (Legislature) and will, in due course be considered by the Assembly in that capacity ;

and

..... that the law relating to citizenship, naturalization and aliens should not be a part of the Constitution but should be capable of amendment in the same manner as legislative measures which are not part of the Constitution.

Sir, when this Bill was introduced in this House the views of the House were not known whether the House would like these matters to be taken up and dealt with by the Constituent Assembly or the future Legislature, as has been pointed out in this report. Since then the Constituent Assembly by adopting the report of the Fundamental Rights Committee have definitely indicated their mind to the effect that the Legislature of Pakistan may make further provisions in respect of acquisition and loss of citizenship and all matters pertaining thereto. This report was adopted by this Constituent

*Printed as Appendix—Page 195 *infra*.

[The Honourable Khwaja Shahabuddin.]

Assembly and in view of this decision of the House it was found necessary that the Bill should be withdrawn from this House and proceeded with in the Legislature.

Sir, there is only one point I must explain. There was the question of delay in enacting this very important and necessary piece of legislation. But as far as that is concerned I do not think there is any cause for apprehension because I am grateful to the Members of the Select Committee who were appointed by this House to examine the Bill that they have very carefully and thoroughly examined the Bill and completed and given their advice. What I propose today, Sir, is to take the full benefit of the advice of the Select Committee which has already gone into the Bill, examined it and made some decisions. If the House agrees and allows me to withdraw the Bill, then I will embody all those suggestions and advice that have been given by the Select Committee and bring in a new Bill in the Legislature at the first opportunity and I think I will be justified then in pleading not to appoint another select committee and thereby the time will be considerably saved and there will be no loss of time. Therefore I commend my motion for withdrawal.

Mr. Chairman (*Mr. Ghulam Bhik Nairang*) : The question is :

"That leave be granted to withdraw the Bill to provide for the citizenship of Pakistan."

The motion was adopted.

The Honourable Khwaja Shahabuddin : Sir, I withdraw the Bill.

Mr. Chairman (*Mr. Ghulam Bhik Nairang*) : The House stands adjourned till 11 A.M. on Tuesday next.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 28th November, 1950.

APPENDIX
CONSTITUENT ASSEMBLY OF PAKISTAN

**REPORT OF THE SELECT COMMITTEE ON THE PAKISTAN
 CITIZENSHIP BILL, 1950**

We, the undersigned Members of the Select Committee to which the Bill to provide for Pakistan citizenship was referred, have considered the Bill and have now the honour to submit this our Report.

We, having taken note of the following facts :

- (a) that the Interim Report of the Basic Principles Committee recommends that citizenship, naturalisation and aliens should be a subject-matter of Laws to be made exclusively by the Central Legislature ;
- (b) that the Constituent Assembly, in adopting the report of the Committee on Fundamental Rights, accepted the recommendation of the Committee contained in paragraph 2 of Part I of the Report to the effect that, subject to the recommendation contained in paragraph 1 of Part I of the said Report regarding citizenship at the date of the commencement of the Constitution, acquisition and loss of the citizenship, and all other matters pertaining thereto should be within the competence of the future Legislature of Pakistan ;
- (c) that a Bill amending the Naturalization Act, 1926, has been introduced into the Constituent Assembly (Legislature) and will, in due course, be considered by the Assembly in that capacity ;

And being of the opinion that the law relating to citizenship, naturalization and aliens should not be a part of the Constitution but should be capable of amendment in the same manner as Legislative measures which are not part of the Constitution,

Recommend that the Bill under consideration be not proceeded with in the Constituent Assembly but that a Bill to make provision for citizenship in Pakistan amended so as to conform with paragraph 1 of Part I of the Report of the Committee on Fundamental Rights be introduced into the Constituent Assembly (Legislature) as soon as possible.

2. The Bill was published in the *Gazette of Pakistan*, Extraordinary, dated the 28th September, 1950.

ABDUS SATTAR PIRZADA
 K. SHAHABUDDIN
 NAZIR AHMAD KHAN
 GHULAM BHIK NAIRANG
 SHAHOODUL HAQUE
 JNANENDRA CHANDRA MAJUMDAR
 DHIRENDRA NATH DUTTA
 AZIZUDDIN AHMAD

KARACHI :

The 22nd November, 1950.